

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.28369 of 2014

M.Viswanathan

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Road,
Chennai.

2.The Estate Officer,
Tamil Nadu Slum Clearance Board,
Estate Office II,
Division III,
Chennai - 600 039.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS, directing the respondents to execute a sale deed in the petitioner's name, in respect of the [redacted] house site No.13 measuring 60 sq. meter comprised in Survey No.1797 bearing Door No.7, Ramadoss Nagar, Old Washermenpet, Chennai - 21 allotted to petitioner's mother (late) M.Kannammal by considering the petitioner's representation dated 28.08.2014.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.B.Kesavan for
Slum Clearance Board

ORDER

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS directing the respondents execute a sale deed in the petitioner's name, in respect of the house site No.13 measuring 60 sq. meter comprised in Survey No.1797 bearing Door No.7, Ramadoss Nagar, Old Washermenpet, Chennai - 21 allotted to petitioner's mother (late) M.Kannammal by considering the petitioner's representation dated 28.08.2014.

2.The learned counsel for the petitioner submitted that the respondent allotted a house site No.13 measuring 60 sq. meter, comprised in S.No.1797 bearing Door No.7, Ramadoss Nagar, Old Washermenpet, Chennai - 21 to the petitioner's mother (Late) Tmt. Kannammal by allotment order dated 23.09.1980 made in proceedings in Na.Ka.No.15881/80/80/K1. During the life time of the petitioner's mother, she had executed a Will dated 27.02.1989 and the same was registered as Doc.No.13/1989 on the file of the Sub-Registrar, Royapuram and she had bequeathed the same to the petitioner and the petitioner's mother died on 05.04.1989. The petitioner filed a probate proceedings in O.P.No.523 of 2011 on the file of this Court to probate the Will dated 27.02.1989. After due publication, this Court by an order dated 29.04.2014 has granted probate in the name of the petitioner. None had objected the probate granted in the name of the petitioner. The petitioner also paid the due amount to the respondent. The petitioner has made a representation for execution of Sale Deed in favour of the petitioner and no order has been passed. Hence, the petitioner has filed the present writ petition before this Court.

3.The learned counsel appearing for the respondent board would submit that if the probate order and the relevant documents shall be placed before the authority and the same shall be considered on merits and in accordance with law on the request made by the petitioner.

4.Considering the submission of the authorities, the respondent shall serve notice to the petitioner by fixing the enquiry for producing the copy of probate order passed by this Court and other documents and thereafter to pass appropriate orders in accordance with law as expeditiously as possible with in a period of twelve weeks from the date of receipt of a copy of this order.

5.Accordingly, this Writ Petition stands disposed of with the above direction. However, there shall be no order as to costs.

Sd/-
Deputy Registrar (CS)

//True copy//

Sub Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Road,
Chennai.

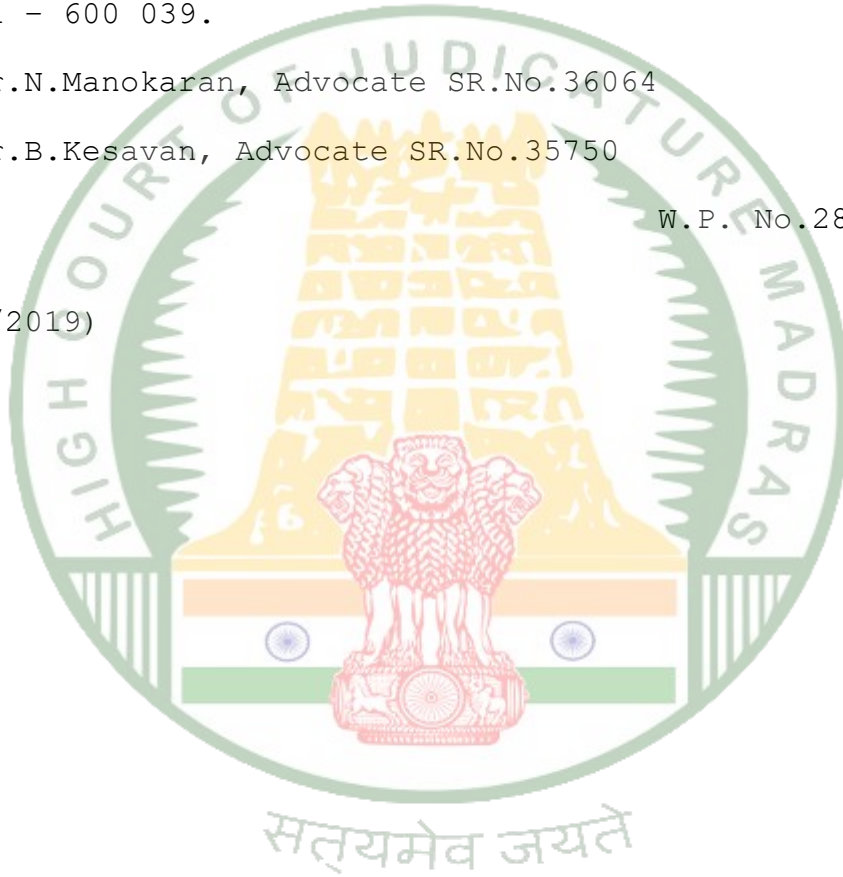
2.The Estate Officer,
Tamil Nadu Slum Clearance Board,
Estate Office II,
Division III,
Chennai - 600 039.

+1cc to Mr.N.Manokaran, Advocate SR.No.36064

+1cc to Mr.B.Kesavan, Advocate SR.No.35750

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SSI(CO)
GMY(30/05/2019)



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